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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,895	12/07/2001	Alfred Preukschat		5243

7590 01/27/2005  
DR. MAX FOGIEL  
44 MAPLE COURT  
HIGHLAND PARK, NJ 08904

EXAMINER

RODRIGUEZ, PAMELA

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/008,895

Applicant(s)

PREUKSCHAT ET AL.

Examiner

Pam Rodriguez

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4-8,10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) 4,5,7 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,6,10,11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The Amendment filed December 27, 2004 has been received and considered. As a note to applicant, he might want to include specification headings in the text of his specification such as "Summary of the Invention", "Brief Description of the Drawings", "Detailed Description of the Invention", etc. to better conform the application into standard U.S. patent form.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 6, 10, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,685,698 to Klinkner et al.

Regarding Claim 1, Klinkner et al disclose a regulated dashpot with shock-absorption force controls, for motor vehicles (see Figure 7), having all the features of the instant invention including: at least one flow-regulating system (see Figure 7) including at least one shock-absorption component for a compression phase and for a decompression phase; at least one valve assembly 4" with electrically variable flow resistance regulated by a regulating valve 4"; at least one fixed bypass valve 4' with a non-varying constricted flow cross-section hydraulically and directly paralleling the flow-

regulating system (see Figure 7 and column 7 lines 9-14, wherein bypass valve 4' can be put in a position to have a non-varying constricted flow cross-section when it is adjusted to a particular throttle cross section); whereby the bypass valve 4' has a constant opened flow-through cross section hydraulically in parallel with the regulating valve 4" (see Figure 7), said at least one flow regulating system for the compression phase and said at least one flow regulating system for the decompression phase being in the form of said regulating valve 4" with variable flow constriction, said flow resistance being continuous for providing continuous damping between soft and hard damping, said bypass valve 4' preventing pressure pulses in damping fluid when said regulating valve 4" transfers rapidly from open to close positions corresponding to upward wheel shocks and sudden wheel accelerations, so that sudden jolts are prevented when shifting between soft and hard damping for comfort in riding in said vehicles (see the abstract), and wherein the bypass valve 4' is integratable into the flow regulating system and having minimal passage for hydraulic fluid and preventing the dashpot from being entirely blocked when the regulating valve 4" is closed (see the arrangement of Figure 7, which due to the parallel location of the valves and adjustability of the bypass valve 4', fluid flow would be permitted through the dashpot when the regulating valve 4" is closed).

Regarding Claim 6, see Figure 7 and hydraulic fluid lines 4.

Regarding Claim 10, Klinkner et al further disclose that the flow regulating system comprises two hydraulically parallel regulating valves 4", wherein the bypass valve 4' is hydraulically in parallel with the two regulating valves 4" (see Figure 7) and

has minimal passage for hydraulic fluid for preventing the dashpot from being entirely blocked while the regulating valves 4" are closed (see the arrangement of Figure 7, which due to the parallel location of the valves and adjustability of the bypass valve 4', fluid flow would be permitted through the dashpot when the regulating valves 4" are closed).

Regarding Claim 11, see Claims 1, 6, and 10 above.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1 and 6 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pam Rodriguez whose telephone number is 703-308-3657. The examiner can normally be reached on Mondays 5 am -3:30 pm and Tuesdays 5 am -11 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Bucci can be reached on 703-308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Pam Rodriguez  
Primary Examiner  
Art Unit 3683  
1/25/05

Pr  
01/25/05